

De heersende leer : honderd jaar verspreidingsjurisprudentie: 1892-1992

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Summary

This book is about printed matter. In 1892 the Dutch Supreme Court decided a case in which the circulation of printed matter was given protection under article 7 of the Dutch Constitution (free speech). It was decided that local authorities could only *limit* circulation; they were not allowed to make circulation fully dependent on licenses or to forbid it altogether. Some 130 other cases, focusing on several aspects of circulation, are known to have since been decided. In this study these cases are analysed *chronologically*, not, as is more commonly done, in retrospect. The cases are all presented through the spectacles of the day, i.e. without any reference to present-day ideas on the subject. They are looked upon from the point of view of a court (mostly in two or three instances) which is about to make its decision. Thus quite often an element of choice can be shown, whereas in retrospect such an element will mostly be obscured. So, in a way, this book is not limited to history as it actually was; it is also about history as it might have been. The book does not only deal with court decisions, but also with the abundant volume of writing on the subject. Again, a chronological approach is used, in such a way that the book may offer some insights in the functioning of a legal "forum". Apart from obvious misreadings, most authors proved to be satisfied after having found just *one* explanation for a court decision. Generally, they were recognizing either a confirmation of their own preferences, or something they vehemently disapproved of. That there might be more than just one interpretation of a court decision is something which simply did not occur to many authors. It is not surprising, therefore, that thorough analyses can hardly be found. Of course, after one century *some* basic insights have become obvious, but many questions still have to be answered. Nowadays, for instance, court decisions in this field are usually phrased in an almost ritual manner: the same concepts are being repeated again and again. But what they mean, we do not know....